

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>4/23/08</u>

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE VIVENDI UNIVERSAL, S.A.
SECURITIES LITIGATION

This Document Relates To:

07 Civ. 5742	07 Civ. 7370
07 Civ. 7775	07 Civ. 7776
07 Civ. 7778	07 Civ. 7779
07 Civ. 7863	07 Civ. 7803
07 Civ. 8208	07 Civ. 8156
07 Civ. 9229	07 Civ. 8830
07 Civ. 9593	07 Civ. 10578
07 Civ. 10954	07 Civ. 10995
07 Civ. 11092	07 Civ. 11297
07 Civ. 11305	07 Civ. 11483
07 Civ. 11484	07 Civ. 11485
07 Civ. 11628	08 Civ. 0024
08 Civ. 0116	08 Civ. 0117
08 Civ. 0418	08 Civ. 0908
08 Civ. 0950	08 Civ. 1111
08 Civ. 1938	08 Civ. 01973
08 Civ. 01974	08 Civ. 01983
08 Civ. 01975	08 Civ. 01985

No. 02 Civ. 5571 (RJH (HBP))

STIPULATION AND ORDER

WHEREAS Defendant Jean-Marie Messier served interrogatories upon the Plaintiffs in the above captioned actions ("Individual Plaintiffs") on January 14, 2008, including contention interrogatories, denominated Interrogatories 1-8 ("Messier's Contention Interrogatories");

WHEREAS Individual Plaintiffs served interrogatories upon Defendants Jean-Marie Messier, Vivendi Universal, S.A. and Guillaume Hannezo (collectively referred to as "Defendants") on March 14, 2008, including contention interrogatories, denominated Interrogatories 2-17 and 19 ("Individual Plaintiffs' Contention Interrogatories");

WHEREAS during a court conference before the Honorable Henry Pitman, United States Magistrate Judge, held April 3, 2008, Individual Plaintiffs and Defendants reached an

agreement whereby both sides would withdraw their contention interrogatories and, in place of Defendants' Contention Interrogatories *and* Plaintiffs' Contention Interrogatories, by May 15, 2008, Individual Plaintiffs agreed to provide a list to Defendants identifying each alleged misrepresentation or omission on which they rely in support of their claims, and, by June 15, 2008, Defendants agreed to identify which defenses, if any, apply to each alleged misrepresentation or omission on Individual Plaintiffs' list;

WHEREAS Magistrate Judge Pitman's order of April 10, 2008 strikes Individual Plaintiffs' Contention Interrogatories but omits any mention of Defendants' Contention Interrogatories;

IT IS HEREBY STIPULATED, BY AND BETWEEN THE UNDERSIGNED COUNSEL, that Defendants withdraw Messier's Contention Interrogatories.

Dated: New York, New York
April 11, 2008



Michael J. Malone, Esq.
King & Spalding LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 556-2100
Attorneys for Defendant Jean-Marie Messier

Anthony J. Harwood, Esq.
Labaton Sucharow LLP
140 Broadway
New York, New York 10005
(212) 907-0700

Michael Paskin, Esq.
Cravath Swaine & Moore LLP
Worldwide Plaza
825 Eighth Avenue
New York, New York 10019
(212) 474-1000

Stuart L. Berman
Schiffman & Barroway, LLP
280 King of Prussia
Radnor, Pennsylvania 19087
(610) 667-7706


agreement whereby both sides would withdraw their contention interrogatories and, in place of Defendants' Contention Interrogatories *and* Plaintiffs' Contention Interrogatories, by May 15, 2008, Individual Plaintiffs agreed to provide a list to Defendants identifying each alleged misrepresentation or omission on which they rely in support of their claims, and, by June 15, 2008, Defendants agreed to identify which defenses, if any, apply to each alleged misrepresentation or omission on Individual Plaintiffs' list;

WHEREAS Magistrate Judge Pitman's order of April 10, 2008 strikes Individual Plaintiffs' Contention Interrogatories but omits any mention of Defendants' Contention Interrogatories;

IT IS HEREBY STIPULATED, BY AND BETWEEN THE UNDERSIGNED COUNSEL, that Defendants withdraw Messier's Contention Interrogatories.

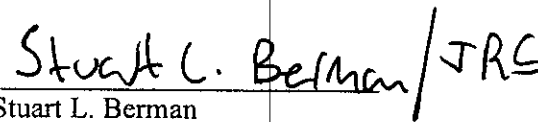
Dated: New York, New York
April 11, 2008

Michael J. Malone, Esq.
King & Spalding LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 556-2100
Attorneys for Defendant Jean-Marie Messier



Anthony J. Harwood, Esq.
Labaton Suchatow LLP
140 Broadway
New York, New York 10005
(212) 907-0700

Michael Paskin, Esq.
Cravath Swaine & Moore LLP
Worldwide Plaza
825 Eighth Avenue
New York, New York 10019
(212) 474-1000



Stuart L. Berman
Schiffman & Barroway, LLP
280 King of Prussia
Radnor, Pennsylvania 19087
(610) 667-7706

agreement whereby both sides would withdraw their contention interrogatories and, in place of Defendants' Contention Interrogatories *and* Plaintiffs' Contention Interrogatories, by May 15, 2008, Individual Plaintiffs agreed to provide a list to Defendants identifying each alleged misrepresentation or omission on which they rely in support of their claims, and, by June 15, 2008, Defendants agreed to identify which defenses, if any, apply to each alleged misrepresentation or omission on Individual Plaintiffs' list;


WHEREAS Magistrate Judge Pitman's order of April 10, 2008 strikes Individual Plaintiffs' Contention Interrogatories but omits any mention of Defendants' Contention Interrogatories;

IT IS HEREBY STIPULATED, BY AND BETWEEN THE UNDERSIGNED COUNSEL, that Defendants withdraw Messier's Contention Interrogatories.

Dated: New York, New York
April 11, 2008

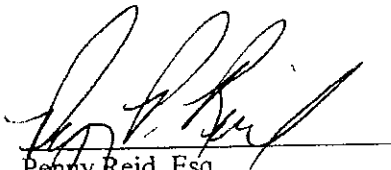
Michael J. Malone, Esq.
King & Spalding LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 556-2100
Attorneys for Defendant Jean-Marie Messier

Anthony J. Harwood, Esq.
Labaton Sucharow LLP
140 Broadway
New York, New York 10005
(212) 907-0700



Michael Paskin, Esq.
Cravath Swaine & Moore LLP
Worldwide Plaza
825 Eighth Avenue
New York, New York 10019
(212) 474-1000

Stuart L. Berman
Schiffman & Barroway, LLP
280 King of Prussia
Radnor, Pennsylvania 19087
(610) 667-7706



Penny Reid, Esq.
Weil Gotschal & Manges LLP
767 Fifth Avenue
New York, New York 10153
(212) 310-8000

Attorneys for Defendant Vivendi Universal S.A.

Martin L. Perschetz, Esq.
Schulte Roth & Zabel LLP
919 Third Avenue
New York, New York 10022
(212) 756-2000
Attorney for Defendant Guillaume Hannezo

Diane Toby Zilka
Grant & Eisenhofer, PA
485 Lexington Avenue, 29th Fl.
New York, New York 10017
(302) 622-7095

Michael E. Elsner
Motley Rice LLC
28 Bridgeside Boulevard
P.O. Box 1792
Mount Pleasant, South Carolina 29465
(843) 216-9000

Leslie Margaret Kelleher
Caplin & Drysdale
One Thomas Circle, N.W.
Washington D.C. 20005
(202) 862-5000

Attorneys for Individual Plaintiffs

SO ORDERED:


Henry Pitman, United States Magistrate Judge

Dated: New York, New York
April __, 2008

Penny Reid, Esq.
Weil Gotschal & Manges LLP
767 Fifth Avenue
New York, New York 10153
(212) 310-8000

Attorneys for Defendant Vivendi Universal S.A.

Martin L. Perschetz, Esq.
Schulte Roth & Zabel LLP
919 Third Avenue
New York, New York 10022
(212) 756-2000
Attorney for Defendant Guillaume Hannezo



Diane Toby Zilka
Grant & Eisenhofer, PA
485 Lexington Avenue, 29th Fl.
New York, New York 10017
(302) 622-7095

Michael E. Elsner
Motley Rice LLC
28 Bridgeside Boulevard
P.O. Box 1792
Mount Pleasant, South Carolina 29465
(843) 216-9000

Leslie Margaret Kelleher
Caplin & Drysdale
One Thomas Circle, N.W.
Washington D.C. 20005
(202) 862-5000

Attorneys for Individual Plaintiffs

SO ORDERED:

Henry Pitman, United States Magistrate Judge

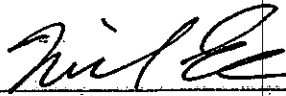
Dated: New York, New York
April __, 2008

Penny Reid, Esq.
Weil Gotschal & Manges LLP
767 Fifth Avenue
New York, New York 10153
(212) 310-8000

Attorneys for Defendant Vivendi Universal S.A.

Martin L. Perschetz, Esq.
Schulte Roth & Zabel LLP
919 Third Avenue
New York, New York 10022
(212) 756-2000
Attorney for Defendant Guillaume Hannezo

Diane Toby Zilka
Grant & Eisenhofer, PA
485 Lexington Avenue, 29th Fl.
New York, New York 10017
(302) 622-7095



Michael E. Elsner
Motley Rice LLC
28 Bridgeside Boulevard
P.O. Box 1792
Mount Pleasant, South Carolina 29465
(843) 216-9000

Leslie Margaret Kelleher
Caplin & Drysdale
One Thomas Circle, N.W.
Washington D.C. 20005
(202) 862-5000

Attorneys for Individual Plaintiffs

SO ORDERED:

Henry Pitman, United States Magistrate Judge

Dated: New York, New York
April __, 2008

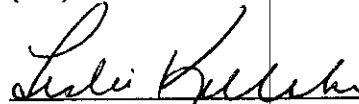
Penny Reid, Esq.
Weil Gotschal & Manges LLP
767 Fifth Avenue
New York, New York 10153
(212) 310-8000

Attorneys for Defendant Vivendi Universal S.A.

Martin L. Perschetz, Esq.
Schulte Roth & Zabel LLP
919 Third Avenue
New York, New York 10022
(212) 756-2000
Attorney for Defendant Guillaume Hannezo

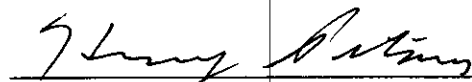
Diane Toby Zilka
Grant & Eisenhofer, PA
485 Lexington Avenue, 29th Fl.
New York, New York 10017
(302) 622-7095

Michael E. Elsner
Motley Rice LLC
28 Bridgeside Boulevard
P.O. Box 1792
Mount Pleasant, South Carolina 29465
(843) 216-9000


Leslie Margaret Kelleher
Caplin & Drysdale
One Thomas Circle, N.W.
Washington D.C. 20005
(202) 862-5000

Attorneys for Individual Plaintiffs

SO ORDERED:


Henry Pitman, United States Magistrate Judge

Dated: New York, New York
April 23, 2008